

**UNITED STATES DISTRICT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 21-cr-00303-ABJ
)	
DEBORAH LEE)	
)	
Defendant)	

**DEFENDANT DEBORAH LEE'S REPLY TO GOVERNMENTS OPPOSITION OF
MOTION *IN LIMINE* REGARDING CLOSED CIRCUIT TELEVISION**

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NOW comes Defendant, Deborah Lee, by and through her counsel of record, John M. Pierce, Esq. and files this reply to the Government's Opposition to Defendant's Motion in Limine Regarding Closed Circuit Television.

The government in its opposition fail to address the main question at issue—the issue is focused on the ability of the government to authenticate a still image taken from a video or CCTV footage from the Capital and authenticate that the image itself properly depicts the events of the day. While the government may be able to proffer a witness that has watched the videos, it is important to note these videos were not witnessed lived, simply after the fact. For the video—therefore, still images taken from the video to be properly authenticated by a person who is an *eyewitness*. The government cannot lay a proper foundation that an agent it a proper eyewitness just because he watched the events on the video—such officer would have had to watch such events unfold live. *See United States v. Westmoreland*, 312 F.3d 302, 310–11 (7th Cir. 2002) (tape recording properly authenticated where testifying agent listened to the conversation via headphones at the time the conversation took place).

Date: July 12, 2022

Respectfully submitted,

/s/ John M. Pierce
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CERTIFICATE OF SERVICE

I, John M. Pierce, hereby certify that on this day, July 12, 2022, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ John M. Pierce
John M. Pierce